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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/588,783

08/08/2006

Kimmo Frondelius

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08/31/2009

DYKEMA GOSSETT PLLC

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EXAMINER

GILBERT, WILLIAM V

ART UNIT

PAPER NUMBER

3635

MAIL DATE

DELIVERY MODE

08/31/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/588,783

Applicant(s)

FRONDELIUS, KIMMO

Examiner

William V. Gilbert

Art Unit

3635

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/5506)
- Paper No(s)/Mail Date 8/8/06
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This is a first action on the merits. Claims 1-8 are pending and examined.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. **Therefore, the combination of the pneumatic seal with the panel (claims 4-7) must be shown or the feature(s) canceled from the claim(s).** No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the

filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "container-like" (line 1) renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Regarding claim 1, the phrase "such as" (line 4) renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 3 is rejection for the limitation "and/or" in line 4. This limitation is unclear as to whether the limitations following the phrase are part of the claimed invention.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zur Nieden (U.S. Patent No. 2,790,673).

Claim 1: Zur Nieden discloses an expandable container comprising a main module (Fig. 2: 10), a door (Fig. 5: 66), and at least one expansion module (11) that includes a number of structural segments such as a roof (Fig. 2: 47 on the right side), firmly connected to a first wall (65 as shown on the right side), a floor (42), and two second wall panels (Fig. 3: 44) wherein the floor part swings out about a horizontal axle at floor level (as shown in Fig. 2) and the first wall and roof project out telescopically from the main module (as shown in Figs. 2 and 3), and the second wall part rotates about a vertical axle (as shown in Fig. 3) so that the second wall will be swung out to form an additional wall to the expansion module subsequent to having projected out the roof and first wall. While Zur Nieden discloses a door, it does not specifically disclose the door is attached to the main module. The examiner takes Official Notice that it would be well within the level of skill in the art to locate the door on the main module, as one of ordinary skill in the art would locate the door as desired.

Claim 2: the vertical axle is connected to the first wall part (as shown in Fig. 3: 45).

Claim 3: the second wall includes locking means for fixation to connecting structural segments of the expansion module (in the extended position, member "30" would function as the locking means.)

Claim 8: while the Zur Nieden reference does not disclose the specific location of the door as claimed, it does disclose a door (66). The examiner takes Official Notice that it would have been obvious at the time the invention was made to a person having ordinary skill in the art to place the door as desired because the reference is fully capable of being placed in the location as claimed.

Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zur Nieden in view of Zand (U.S. Patent No. 2,104,144).

Claim 4: Zur Nieden discloses the claimed invention except for the pneumatic seal along the edge of a panel. Zand teaches that it is known in the art to place a pneumatic seal (Fig. 2: 13) between panels. It would have been obvious at the time the invention was made to a person having ordinary skill in the art

to provide a seal between panels to prevent outside elements from entering the structure in Zur Nieden.

Claim 5: Zur Nieden in view of Zand discloses a valve (Zand: 16) which is adapted for expansion with the aid of air to provide a sealing abutment.

Claim 6: Zur Nieden does not disclose the profile rail as claimed, but Zand discloses a profile rail (9) which is used to contain the seal. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to have the rail as claimed with the system in Zur Nieden in order to contain the seal.

Claim 7: To have the seal extend completely around the second wall part would be well within the level of skill in the art in order to effectively seal the panel system.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. For general expandable containers: Sharpton (U.S. Patent No. 3,857,211), Stockli (U.S. Patent No. 6,223,479), Ciotti (U.S. Publication 2003/0051417).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William

V. Gilbert whose telephone number is 571.272.9055. The examiner can normally be reached on Monday - Friday, 08:00 to 17:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571.272.6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/W. V. G./
Examiner, Art Unit 3635
/Basil Katcheves/
Primary Examiner, Art Unit 3635

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